



**WRITTEN TESTIMONY OF THE
CONNECTICUT SITING COUNCIL**

SUBMITTED TO THE ENERGY AND TECHNOLOGY COMMITTEE

**IN REFERENCE TO RAISED BILL NO. 447
AN ACT MODERNIZING THE STATE'S TELECOMMUNICATIONS LAWS
MARCH 20, 2012**

Good afternoon Senator Fonfara, Representative Nardello, ranking and distinguished members of the Energy and Technology Committee.

Thank you for the opportunity to provide testimony in connection with Raised Bill No. 447 An Act Modernizing the State's Telecommunications Laws.

In 1996, the FCC recognized a nationwide need for wireless telecommunications services and Congress passed the Telecommunications Act, which preempts jurisdiction of state and municipal agencies over several factors normally considered during the application process for the siting of cellular facilities.

Sections of this bill seek to clarify regulations as they apply to the process and resolve disconnects between the 1996 Telecommunications Act and the Connecticut Siting Council's (Council) current statutes.

Specifically, the language in the bill regarding a "presumption of public need" for cellular facilities in the Council's evaluation of a proposed facility is consistent with the Telecommunications Act and is necessary to establish that the Council is preempted by the FCC from making any determination on the public need for a cellular facility. Time constraints for application review and decision are also more appropriately defined in the bill and more consistent with federal mandates.

In addition, the sections of the bill related to the location of cellular facilities on state land deeming them not to be in conflict with a public purpose is an issue relative to alternative sites that routinely arises during the Council's public hearings on proposed cellular facilities.

Clarity is always useful in applying statutes to decisions especially when federal regulations preempt portions of state jurisdiction. We find this proposed legislation serves to more appropriately define the role of the Council and its limitations relative to the siting of cellular facilities. On that basis, we strongly support the passage of Raised Bill No 447.

Linda Roberts
Executive Director